

ORIGINAL



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Obcc

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ARIZONA CORPORATION COMMISSION

May 17, 2005

Chairman Jeff Hatch-Miller
Commissioner William Mundell
Commissioner Mike Gleason
Commissioner Kris Mayes

Arizona Corporation Commission
DOCKETED

MAY 17 2005

RE: Johnson Utilities Company and Diversified Water Utilities
Docket Nos. WS-02987A-04-0869 & W-02859A-04-0844



Dear Colleagues:

I received the May 12, 2005 pleading from Fennemore Craig purporting to withdraw as counsel for Johnson Utilities and indicating substitute counsel had been retained.

As a matter of procedure, it is my understanding an attorney seeking to withdraw as counsel in a pending docket files a Motion stating the basis for the withdrawal and substitution of counsel. *Arizona Rules of Civil Procedure 5.1*. The Administrative Law Judge then has the discretion to grant or deny such motion.

I view this as a long standing and recurring cultural issue, and I do not seek to focus on this particular docket nor any attorney in practice before the Commission. As a general matter, I believe procedures regarding the withdrawal of counsel should be clarified, and this docket presents that opportunity.

A Procedural Order from the Hearing Division treating the May 12, 2005 pleading as a Motion (rather than a "Notice") may moot this concern, although for future reference I would like some discussion on this aspect of practice before the Commission.

Very truly yours,

Marc Spitzer
Commissioner

cc: Docket Control
Hearing Division
All Parties on Record

Enclosure:

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FENNEMORE CRAIG, P.C.
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Telephone (602) 916-5000

2005 MAY 12 P 4: 55

AZ CORP COMMISSION
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Attorneys for Johnson Utilities Company

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF DIVERSIFIED
WATER UTILITIES, INC. TO EXPAND ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO INCLUDE ALL OF
SECTION 13, 14, 15, 23 AND THAT
PORTION OF SECTION 16 EAST OF
RAILROAD TRACKS ALL IN T3S, R8E,
PINAL COUNTY, ARIZONA.

DOCKET NO. W-027859A-04-0844

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES COMPANY FOR
AN EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR WATER SERVICE.

DOCKET NO. WS-02987A-04-0869

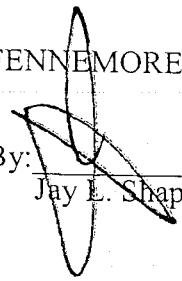
NOTICE OF WITHDRAWAL AS
COUNSEL OF RECORD

The law firm of Fennemore Craig, P.C. hereby submits this Notice of Withdrawal as Counsel of Record in the above-captioned matter. Undersigned counsel is informed by Johnson Utilities that Richard Sallquist, Esq., will be taking over representation of Johnson Utilities in the above-captioned matter. Accordingly, all future correspondence to Johnson Utilities in this matter should be directed to:

Richard Sallquist, Esq.
Sallquist & Drummond, P.C.
4500 S. Lakeshore Dr., Ste. 339
Tempe, AZ 85282

DATED this 12th day of May, 2005.

FENNEMORE CRAIG, P.C.

By: 
Jay L. Shapiro